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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,887	07/18/2003	Peter Taiana	2821-210WOUS-1	2741

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/622,887

Applicant(s)

TAIANA ET AL.

Examiner

Laura Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-47 and 49 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 44-47 and 49 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 44-46 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Bank et al (US 4,505,220) for reasons mentioned in the previous office action.

With respect to claim 49, Bank et al teach a system for coating containers comprising an apparatus (12-14) for coating at least an interior or limited area of a container; a first lower conveyor (20) having a plurality of platforms or pedestals (3), wherein each platform is selectively actuable vertically to position a container proximate the apparatus for coating a limited area on that container; and a second upper conveyor (20) having a plurality of platforms or pedestals (3), wherein each platform is selectively actuable vertically to position a container proximate the apparatus for coating a limited area on that container.

Claim 47 is rejected under 35 U.S.C. 102(b) as being anticipated by Eddy (US 4,259,372) for reasons mentioned in the previous office action.

In addition, Eddy recognizes the use of at least one heater associated with the nozzle wand (82; see col. 7, lines 45-56) which is positioned adjacent the rotary manipulator or turret and the rotary manipulator or turret rotates the containers to a position proximate or near the at least one heater.

Response to Arguments

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Applicants' arguments filed 6/23/04 have been fully considered but they are not persuasive.

Applicants contend that there is no disclosure or suggestion in Bank that vacuum pots (9) are selectively actuable to position a container proximate the coating apparatus and Bank teaches away from the vacuum pots being selectively actuable to position a container proximate the coating apparatus. These arguments are deemed moot in view of the first teachings of Bank in col. 7, lines 38-40 where the platform or pedestal is adapted to move vertically (see Fig. 2).

Applicants contend that depending claims 45 and 46 are not anticipated by Bank because Bank does not teach each platform being selectively actuable to position one of the containers proximate the coating apparatus such that the rejections of claims 45 and 46 should be withdrawn. This argument is deemed moot in view of the disclosure above to Bank (col. 7, lines 38-40) that provides for a vertically movable platform or pedestal (3) such that claims 45 and 46 remain anticipated.

Applicants contend that Eddy does not teach or suggest a heating unit or a rotary manipulator that rotates the containers to a position proximate the heating unit. This argument is not deemed persuasive because Eddy recognizes the use of at least one heater associated with the nozzle wand (82; see col. 7, lines 45-56) which is positioned adjacent the rotary manipulator or turret and the rotary manipulator or turret rotates the containers to a position proximate or near the at least one heater.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura Edwards
Primary Examiner
Art Unit 1734

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February 7, 2005